NOTIFICATION

No. L.D. 1031—Legis. 18-49-14, dated Bangalore, 7th February 1950.

Ordered that the accompanying Displaced Persons (Claims) Ordinance, 1950 (V of 1950), published in the *Gazette of India*, dated January 19, 1950, be republished in *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 19th January, 1950

ORDINANCE No. V OF 1950.

AN

ORDINANCE

to provide for the registration and verification of claims of displaced persons in respect of immovable property in Pakistan.

WHEREAS an emergency has arisen which makes it necessary to provide for the registration and verification of claims of displaced persons in respect of immovable property in Pakistan, with a view to the rehabilitation of such displaced persons;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(*1*) This Ordinance may be called the Displaced Persons (Claims) Ordinance, 1950.

(*2*) It extends to all the Provinces of India, and also to every Acceding State to the extent to which the Dominion Legislature has power to make laws for that State with respect to the matters dealt with in this Ordinance.

(*3*) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless there is anything repugnant in the subject or context,—

(*a*) "claim" means the assertion of a right to the ownership of, or to any interest in,—

(*i*) any immovable property in West Pakistan which is situate within an urban area, or which, being situate elsewhere, either forms part of the assets of an industrial undertaking or comprises one or more buildings the estimated cost of constructing which at the present prevailing rates is not less than Rs. 20,000; or

(*ii*) any agricultural land in any part of West Pakistan other than West Punjab;

(*b*) "displaced person" means any person who, on account of the setting up of the Dominions of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has after the 1st day of March 1947 left, or been displaced from, his place of residence in such area and who has been subsequently residing in India and includes any person who is resident in any place in India and who for that reason is unable or has been made unable to manage, supervise or control any immovable property belonging to him in Pakistan;

(*c*) "prescribed" means prescribed by rules made under this Ordinance;

(*d*) "urban area" means any area within the limits of a corporation, a municipality, a municipal committee, a notified area committee, a town area, a small town committee or a cantonment, as those limits existed on the 15th day of August, 1947;

(*e*) "West Pakistan" means the territories of Pakistan excluding the Province of East Bengal.

3. *Power to appoint Registering Officers.*—The Central Government may, by notification in the official Gazette, appoint as many Registering Officers as may be necessary for the purpose of registering claims and every Registering Officer shall exercise his functions in such area or areas as may be specified in the notification.

4. *Power to appoint the Chief Claims Commissioner, etc.*—(*1*) The Central Government may, by notification in the official Gazette, appoint a Chief Claims Commissioner, and as many Claims Commissioners and Claims Officers as may be necessary for the purpose of discharging the duties imposed on them by or under this Ordinance, and may, by general or special order, provide for the distribution or allocation of work to be performed by them under this Ordinance.

(*2*) Subject to the provisions of this Ordinance, all Claims Commissioners and Claims Officers shall discharge the duties imposed on them by or under this Ordinance under the general superintendence and control of the Chief Claims Commissioner.

5. *Registration of claims.*—(*1*) A displaced person may, within such time and in such form as may be prescribed, submit his claim to a Registering Officer in the prescribed manner for the registration of such claim.

(*2*) On receipt of a claim under sub-section (*1*), the Registering Officer shall register the claim in the prescribed manner and forward the relevant papers to the Central Government.

6. *Jurisdiction of Claims Officers.*—(*1*) A Claims Officer shall have jurisdiction to decide such cases or such classes of cases as may, by general or special order, be transferred to him by the Central Government or by an officer empowered in this behalf by the Central Government.

(*2*) A Claims Officer shall hold a summary inquiry into the cases transferred to him and, after taking such evidence and examining such documents, as may be necessary, pass such orders as he thinks fit in relation to the verification of the claim and the valuation of such claim.

(*3*) The decision of the Claims Officer shall be final:

Provided that the Chief Claims Commissioner may call for the record of any case which has been decided by the Claims Officer and may make such order in the case as he thinks fit.

7. *Powers of Claims Officers.*—(*1*) A Claims Officer shall have the same powers as are vested in a civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) requisitioning any public record from any Court or office;

(*d*) issuing commissions for the examination of witnesses;

(*e*) appointing guardians or next friends of any person who is a minor or of unsound mind;

(*f*) any other matter which may be prescribed.

(*2*) A Claims Officer may, if he so thinks fit, and shall, if so required by the Chief Claims Commissioner, appoint one or more persons as assessors to advise him in any proceeding before him.

(*3*) A Claims Officer shall be deemed to be a civil Court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898), and any proceeding before any such Claims Officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

8. *Power to transfer cases.*—The Central Government or the Chief Claims Commissioner may, by order in writing, at any stage transfer any case pending before a Claims Officer to another Claims Officer and the Claims Officer, to whom the case is so transferred, may, subject to any special direction in the order of transfer, proceed from the stage at which it was so transferred.

9. *Certain officers to be public servants.*—The Chief Claims Commissioner and all Claims Commissioners, Claims Officers and Registering Officers appointed under this Ordinance shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

10. *Bar of jurisdiction of Civil Courts.*—No Civil Court shall have jurisdiction in respect of any matter which the Chief Claims Commissioner or the Claims Officer is empowered by or under this Ordinance to determine, and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Ordinance.

11. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government or any person appointed under this Ordinance in respect of anything which is in good faith done or intended to be done in pursuance of this Ordinance or of any rules or orders made thereunder.

12. *Penalty.*—Any person who—

(*a*) submits, in respect of his claim under this Ordinance, any information which he knows to be false or does not believe to be true, or

(*b*) submits a claim in respect of the same property to more than one Registering Officer,

shall be punishable with imprisonment which may extend to three years or with fine, or with both.

13. *Penalty for abetment.*—Whoever abets any of the offences punishable under this Ordinance shall be punishable with the punishment provided for the offence.

14. *Cognizance of offences by Courts.*—No Court shall take cognizance of any offence punishable under this Ordinance save upon complaint in writing made by an officer authorised by the Central Government by general or special order in this behalf.

15. *Forfeiture of claims to any benefit for rehabilitation purposes.*—Any person who commits an offence punishable under this Ordinance may, without prejudice to any other penalty provided for in this Ordinance, forfeit his claim to any benefit for rehabilitation purposes to which he would otherwise be entitled or be required to surrender any benefit received by him for rehabilitation purposes.

16. *Delegation of powers.*—(*1*) The Central Government may, by general or special order, direct that any power exercisable by it under this Ordinance shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by the Chief Claims Commissioner.

(*2*) Subject to the provisions of this Ordinance and the rules made thereunder, the Chief Claims Commissioner may delegate all or any of his powers under this Ordinance to any Claims Commissioner as may be specified by the Chief Claims Commissioner.

17. *Power to make rules.*—(*1*) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the form and manner in which claims may be submitted by displaced persons to Registering Officers ;

(*b*) the manner in which claims may be registered ;

(*c*) the manner in which any inquiry may be held by Claims Officers ; the procedure to be followed by Claims Officers ;

(*d*) the powers vested in a civil Court which may be exercised by a Claims Officer while holding any inquiry under this Ordinance ;

(*e*) any other matter which has to be, or may be, prescribed under this Ordinance.

C. RAJAGOPALACHARI,
Governor-General.